

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

ORDINANCE NO. 2007-005

(3075)

AN ORDINANCE OF THE CITY OF SAN LEANDRO AMENDING SAN LEANDRO ZONING CODE: PART I, ARTICLE 3, DELETING DEFINITIONS FOR 'CLUBS & LODGES' AND 'RELIGIOUS ASSEMBLY' AND ADDING A NEW DEFINITION FOR 'ASSEMBLY USES'; PART II, ARTICLE 5, AMENDING SECTIONS 2-504, 2-506, 2-508, AND 2-510 FOR CONSISTENCY WITH NEW DEFINITIONS; PART III, AMENDING ARTICLE 13; AND PART IV, ARTICLE 17, AMENDING SECTION 4-1704.

The City Council of the City of San Leandro does ORDAIN as follows:

SECTION 1: Part I, Article 3 of the Zoning Code is hereby amended to read as follows:

Assembly Uses. Meeting, recreational, social facilities of a private or non-profit organization primarily for use by member or guests, or facilities for religious worship and incidental religious education (but not including schools as defined in this section). This classification includes union halls, social clubs, fraternal organizations, and youth centers.

Assembly Uses, Temporary. Meeting, recreational, social facilities of a private or non-profit organization primarily for use by member or guests, or facilities for religious worship and incidental religious education (but not including schools as defined in this section) on a site that is not permanently occupied by an assembly use, for a period of not more than thirty (30) days.

Clubs and Lodges. Meeting, recreational, or social facilities of a private or non-profit organization primarily for use by members or guests. This classification includes union halls, social clubs, fraternal organizations, and youth centers.

Religious Assembly. Facilities for religious worship and incidental religious education, but not including private schools as defined in this section.

Religious Assembly, Temporary. Religious services conducted on a site that is not permanently occupied by a religious assembly use, for a period of not more than thirty (30) days.

SECTION 2: Part II, Article 5 of the Zoning Code is hereby amended to read as follows:

2-504 RO District – Use Regulations

B. RO District – Conditionally Permitted Uses.

The following uses are allowed in the RO District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classifications.)

1. Accessory uses when in conjunction with a conditionally permitted use.
2. ~~Assembly Uses.~~
2. ~~Clubs and Lodges.~~
3. Day Care, General.
4. Park and Recreation Facilities, Private Noncommercial.
5. Public Safety Facilities.
6. ~~Religious Assembly.~~

C. RO District – Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the RO District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. ~~Assembly Uses, Temporary.~~
2. Commercial Filming, Limited.
2. ~~Religious Assembly, Temporary.~~

2-506 RS District – Use Regulations

B. RS District – Conditionally Permitted Uses.

The following uses are allowed in the RS District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a conditionally permitted use.
2. ~~Assembly Uses.~~
3. Day Care, General.
4. Park and Recreation Facilities, Private Noncommercial.
5. Public Safety Facilities.
6. ~~Religious Assembly.~~

C. RS District – Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the RS District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. *Assembly Uses, Temporary.*
2. Commercial Filming, Limited.
3. ~~Religious Assembly, Temporary.~~

2-508 RD District – Use Regulations

B. RD District – Conditionally Permitted Uses.

The following uses are allowed in the RD District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a conditionally permitted use.
2. *Assembly Uses.*
3. Day Care, General.
4. Park and Recreation Facilities, Private Noncommercial.
5. Public Safety Facilities.
6. ~~Religious Assembly.~~

C. RD District – Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the RD District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. *Assembly Uses, Temporary.*
2. Commercial Filming, Limited.
3. ~~Religious Assembly, Temporary.~~

2-510 RM District – Use Regulations

B. RM District – Conditionally Permitted Uses.

The following uses are allowed in the RM District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a conditionally permitted use.
2. ~~Assembly Uses.~~
3. Bed and Breakfast Inns.
4. ~~Clubs and Lodges.~~
5. Day Care, General.
6. Group Housing.
7. Manufactured Home Parks.
8. Park and Recreation Facilities, Private Noncommercial.
9. ~~Public Safety Facilities.~~
10. ~~Religious Assembly.~~

D. RM District – Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the RM District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. *Assembly Uses, Temporary.*
2. Commercial Filming, Limited.
3. ~~Religious Assembly, Temporary.~~

SECTION 3: Part III, Article 13 of the Zoning Code is hereby amended to read as follows:

Article 13 S Special Review and AU Assembly Uses Overlay Districts

Sections:

S Special Review Overlay District

3-1300	Specific Purposes and Applicability
3-1302	Applicability and Zoning Map Designation
3-1304	Land Use and Property Development Regulations
3-1306	Use Permit Required
3-1308	Review Criteria
3-1310	Conditions of Approval
3-1312	Procedures

AU Assembly Use Overlay District

3-1320	Specific Purposes and Applicability
3-1322	Applicability and Zoning Map Designation
3-1324	Land Use and Property Development Regulations
3-1326	Use Permit Required

**3-1328 Review Criteria and Conditions of Approval
3-1330 Procedures**

S Special Review Overlay District [No Changes Proposed]

AU Assembly Use Overlay District

3-1320 Specific Purposes and Applicability

In addition to the general purposes listed in Article 1, the specific purpose of the AU Assembly Use Overlay District is to provide for discretionary review of assembly uses on certain non-residentially zoned properties which may be designated by the City Council, consistent with General Plan policies. This allows Assembly Uses, as defined in Article 3, to be considered on non-residentially zoned properties on a conditional use basis, beyond the residential-zoned properties for which they are already conditionally permitted.

3-1322 Applicability and Zoning Map Designation

The AU Assembly Use Overlay District may be combined with any zoning district. It may be initiated by the City Council or Planning Commission under the procedures established by Article 27: Amendments. Each AU Overlay District shall be shown on the zoning map by adding an "-AU" to the base district designation. The zoning map also shall include a reference to the adopting ordinance establishing the AU Overlay District.

3-1324 Land Use and Property Development Regulations

The land use and development regulations applicable in an AU Overlay District shall be those of the base zoning district with which the AU Overlay District is combined unless modified by another overlay district or by the ordinance establishing the AU Overlay District. The requirements of the applicable AU Overlay District shall govern where conflicts arise.

3-1326 Use Permit Required

A use permit is required for any of the following actions within an AU Overlay District:

- A. Establishment of any new assembly use.**
- B. Substantial expansion or alteration of any existing assembly use and/or structure.**
- C. In addition to or in lieu of a use permit, the City Council may establish other review procedures or requirements at the time of establishment of an AU Overlay District or necessary to assure conformance of uses and buildings with purposes and objectives of the AU District.**

D. *Exceptions.* The Zoning Enforcement Official may waive the requirement for a use permit or other specified discretionary approval for the following activities, provided that any such waiver is not inconsistent with any policy directive or review criteria incorporated in the legislation establishing the AU Overlay District. These exceptions include alterations of existing structures that are minor in nature or that do not add more than ten percent (10%) to existing floor area, and maintenance or repair of existing structures.

3-1328 Review Criteria and Conditions of Approval

The review criteria and conditions of approval shall be as required in Sections 5-2212 and 5-2214.

3-1330 Procedures

An application for approval of a use permit in an AU Overlay District shall be processed in accord with the procedures established by Sections 5-2206 and 5-2208 and any additional requirements applicable to that AU district.

SECTION 4: Part IV, Article 17 of the Zoning Code is hereby amended to read as follows:

4-1704 Off-Street Parking and Loading Spaces Required

OFF-STREET PARKING AND LOADING SPACES REQUIRED

Use Classification	Off-Street Parking Spaces	Off-Street Loading Spaces Per Group Classification (See Table A, Page 16)
Public and Semipublic		
Assembly Uses	1 space per 50 sq. ft. used for assembly uses.	C
Clubs and Lodges	1 space per 50 sq. ft. used for assembly purposes	C
Religious Assembly	1 space per 100 sq. ft of main seating area	C

SECTION 5: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of the Ordinance is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part hereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause and phrase of the Ordinance irrespective of the fact that one or more of them would be declared unconstitutional or invalid. To this end, the provisions of the Ordinance are declared to be severable.

SECTION 6: This Ordinance shall take effect thirty (30) days after adoption. The City Clerk is directed to publish the title once and post a complete copy thereof on the City Council chamber bulletin board for five (5) days prior to adoption.

Introduced by Councilmember Grant on this 19th day of March, 2007, and passed to print by the following vote:

Members of the Council:

AYES:	Councilmembers Grant, Gregory, Prola, Souza, Starosciak, Stephens; Mayor Santos	(7)
NOES:	None	(0)
ABSENT:	None	(0)

ATTEST: Marian Handa
Marian Handa, City Clerk

Passed and adopted this 2nd day of April, 2007, after publication on March 26, 2007, by the following vote:

Members of the Council:

AYES:	Councilmembers Grant, Gregory, Prola, Souza, Starosciak, Stephens; Mayor Santos	(7)
NOES:	None	(0)
ABSENT:	None	(0)

ATTEST: Marian Handa
Marian Handa, City Clerk